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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,489	02/29/2000	Somnath Banik	BANIK 2-73	2128
47396	7590	01/20/2009	EXAMINER	
HITT GAINES, PC LSI Corporation PO BOX 832570 RICHARDSON, TX 75083			NGUYEN, TU X	
ART UNIT	PAPER NUMBER			
			2618	
NOTIFICATION DATE		DELIVERY MODE		
01/20/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: SOMNATH BANIK and JAMES JOHANSON

Application No. 09/514,489
Technology Center 2600

Mailed: January 17, 2009

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section §1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed September 14, 2007, is deficient because the "Evidence Relied Upon" section fails to include the reference Kim (US 5,960,357) cited on pages 4-5 in the Examiner's Answer's grounds of rejection for claims 1, 2, 4-9 and 11-20 under 35 USC § 103(a).

Appropriate correction is required.

CONCLUSION

Accordingly, it is
ORDERED that the application is returned to the Examiner to:
1) to issue a PTOL-90 citing the missing reference listed under the Evidence Relied Upon section, paragraph (8); and
2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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